

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - - - -
VIVIAN BERT, et al., :
 :
 Plaintiffs, :
 vs. : Case No. C-1-02-467
 : (Mag. Judge Hogan)
 AK STEEL CORPORATION, :
 :
 Defendant. :
- - - - -

Deposition of: VIVIAN D. BERT
Taken: By the Defendant
Date: Tuesday, April 24, 2007
Time: Commencing at 1:15 PM
Place: Taft, Stettinius & Hollister
1800 US Bank Center
425 Walnut Street
Cincinnati, Ohio 45202-3957
Before: Tracy L. Allen, RPR
Notary Public - State of Ohio

1 APPEARANCES:

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22 Also present:

23 Tracy White - AK Steel.

24 - - -

25 I N D E X

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- - -

1 VIVIAN D. BERT

2 being by me first duly cautioned and sworn, deposes
3 and says as follows:

4 CROSS-EXAMINATION

5 BY MS. PRYOR:

6 Q. Ms. Bert, would you state your full
7 name for the record.

8 A. Vivian Delois Bert, B-e-r-t.

9 Q. And did you formerly go by Vivian
10 Pryor?

11 A. Yeah.

12 Q. And are those married names?

13 A. Yeah. Married names.

14 Q. What's your maiden name?

15 A. Vivian Delois Roberts.

16 Q. Okay. When were you married the first
17 time to Mr. Pryor?

18 A. If I can recall --

19 Q. I like that name, by the way.

20 A. Thank you. Let me see. It was so
21 long ago.

22 Q. Just roughly.

23 A. February 1975. I think it was
24 February 1975. Uh-huh.

25 Q. Until when?

1 A. The year 1985.

2 Q. How did that marriage end?

3 A. Divorce.

4 Q. And then did you get married again?

5 A. Yes.

6 Q. When did you get married again?

7 A. It would have been November of 1985.

8 No, I take that back. I'm sorry. We were married in
9 '88. And that ended. He's deceased.

10 Q. Oh, I'm sorry to hear that.

11 A. 1997.

12 Q. Sorry to hear that.

13 A. Thank you.

14 Q. Ms. Bert, do you take any medication?

15 A. No.

16 Q. Didn't take any today?

17 A. No, I didn't take any today.

18 Q. And you normally don't take any?

19 A. No.

20 Q. Any reason that you wouldn't be able
21 to truthfully answer my questions today?

22 A. No reason.

23 Q. No reason that you wouldn't be able to
24 recall or memory issues?

25 A. No reason.

1 Q. Okay. You worked for Armco --

2 A. Yeah.

3 Q. -- at one point?

4 A. I did.

5 Q. That was between February 1982 through
6 about September 1984?

7 A. Somewhere about that time.

8 Q. What did you do for Armco?

9 A. General laborer. At the time when I
10 worked there, and, oh, I guess about a few months
11 later I was able to acquire a position. It was still
12 an hourly position, but it was clerical in the same
13 department for the -- I think it was called the
14 boilerhouse or powerhouse.

15 Q. Okay.

16 A. Department.

17 Q. And that was all within the, roughly,
18 two-year period.

19 A. Yes.

20 Q. 1982 through 1984. What happened to
21 your employment there?

22 A. Laid off.

23 Q. Do you know why you were laid off?

24 A. No. I do believe when I tried to find
25 out, I don't know if they were just, per se,

1 downsizing, but I think that might have been the
2 reason, that they were downsizing at the time.

3 Q. Were a lot of other people laid off
4 about the same time?

5 A. I didn't see them at the time. I know
6 when I went out -- you know, when you go file for
7 unemployment, I didn't ask that question then, but
8 when I got laid off there was no one that went out
9 with me that day.

10 (Defendant's Exhibit 1
11 was marked for identi-
12 fication.)

13 Q. Okay. You've been handed what's been
14 marked as Exhibit 1. I apologize for the bad copy.

15 A. Oh, that's all right.

16 Q. Is this a letter you received? It
17 looks like at the top is October 15th, 1986 date.

18 A. Okay. Okay. I may have gotten it. I
19 don't remember.

20 Q. Okay.

21 A. Because it's been so long.

22 Q. Sure. It's your understanding,
23 though, that after a two-year period beyond layoff
24 that employment was terminated?

25 A. Yes.

Q. And since 1986 have you worked for

1 either Armco or AK Steel?

2 A. No.

3 Q. What have you done since 1984?

4 A. 1984?

5 Q. After you were laid off from AK Steel.

6 A. 1984. After that I worked for myself
7 mostly. Like I did like a laundry cleaning service.
8 And home health care. I done that. After 1984 I've
9 also worked at General Electric in Cincinnati. And
10 I've also been a general manager for a dry cleaners
11 and a Laundromat.

12 Q. What was the name of that?

13 A. C and E Computers, but the Laundromat
14 was Chip's Laundry Service, but it was under C and E
15 Computers at that time.

16 Q. Anything else?

17 A. I think that's about all. Maybe
18 baby-sitting or something like that.

19 Q. Just kind of walk through these. If
20 you remember something else, please let me know.

21 A. All right.

22 Q. You said you did kind of a laundry
23 cleaning service.

24 A. Uh-huh.

25 Q. That was your own business?

1 A. Yes.

2 Q. What did you do for that?

3 A. Just general cleaning of a Laundromat
4 at night, in the evening, seven days a week, after
5 hours.

6 Q. So you would clean the Laundromat?

7 A. Uh-huh. After hours.

8 Q. Kind of an independent contractor?

9 A. No.

10 Q. How would you get paid for that?

11 A. He paid me by check. Chip's Laundry
12 did.

13 Q. Were you an employee of Chip's
14 Laundry?

15 A. Well, yeah. I guess so. It was
16 always an employee for him. I did it -- I tried to
17 start my own business, but that didn't work out, so I
18 basically just worked for him.

19 Q. Do you know how much you got paid?

20 A. Then it was like \$100 a week.

21 Q. Do you know what period of time you
22 did that?

23 A. From maybe 2001 to sometime in 2003 or
24 '4.

25 Q. And that was seven nights a week?

1 A. Yeah. Not a day off.

2 Q. How long --

3 A. Every now and then you got a day off
4 if you can get somebody to take your place.

5 Q. How long would it take you to clean?

6 A. Oh, just two hours.

7 Q. And did it ever increase from \$100 a
8 week?

9 A. No.

10 Q. Then you mentioned home health care.

11 A. Yeah.

12 Q. What's that?

13 A. It was a young lady that I took care
14 of about four or five days a week. She had multiple
15 sclerosis and so I just did in-home health care for
16 her. It was just one individual.

17 Q. Okay.

18 A. That I stayed with for about three or
19 four years.

20 Q. What period of time was that?

21 A. That was in -- might have been around
22 2001, also, along with the Laundromat job, until
23 about 2003 or '4.

24 Q. How much did you make for that?

25 A. About two-twenty, two-twenty-five,

1 something like that, a week. Either a week or every
2 two weeks. It was one or the other.

3 Q. What did you do for her?

4 A. Just took care of her all day. You
5 know, medications, bathing, food, feeding. I also
6 went with them when they went to the doctor. Things
7 like that. Just general health care.

8 Q. Do you have any health care
9 experience?

10 A. I worked in a nursing home at one
11 time, but that was way before 1984.

12 Q. Okay.

13 A. For a period of time.

14 Q. Why did you stop doing the laundry
15 cleaning service?

16 A. Because I got hired back at General
17 Electric. After 12 years.

18 Q. And what about the home health care?

19 A. I didn't do that any more, either.

20 Q. Was that also because of getting
21 hired?

22 A. Yes.

23 Q. And General Electric, when did you
24 work for them?

25 A. Started in General Electric in 1984.

1 I got laid off in 1993.

2 Q. What did you do for General Electric
3 during that time?

4 A. Shipping and receiving, aircraft
5 engine assembly.

6 Q. Are those two different jobs?

7 A. Uh-huh.

8 Q. What did you do in shipping and
9 receiving?

10 A. We just, generally, just shipped
11 aircraft engines and other parts to different
12 aircraft locations, like Boeing or Wilmington or
13 other places like that.

14 Q. Did you do paperwork for that? Did
15 you --

16 A. Yeah, we did paperwork.

17 Q. Did you actually box up?

18 A. Yeah. Packaging, correct. Packaging.
19 We had to package all day. We had to foam pack a lot
20 of engine parts.

21 Q. What about the aircraft engine
22 assembly, what did you do there?

23 A. We just assembled the engines. All
24 general engine assembly.

25 Q. How long did you work at the assembly

1 part?

2 A. I did that, well, right before I got
3 laid off, so I wasn't over there for very long. For
4 only a few months.

5 Q. The rest of the time you were in
6 shipping and receiving?

7 A. Uh-huh.

8 Q. You said that you've been recently
9 hired back?

10 A. Uh-huh.

11 Q. Are you still there currently?

12 A. Yes.

13 Q. When did you get hired back?

14 A. July of 2005.

15 Q. And is that a full-time position?

16 A. Yes.

17 Q. And how much do you make there?

18 A. An hour?

19 Q. Sure.

20 A. We make now \$24 an hour.

21 Q. And you said it is full time. Is that
22 40 hours a week?

23 A. Sometimes if there's no overtime.
24 Well, we do get overtime sometimes.

25 Q. Have you received any raises at

1 General Electric since July 2005?

2 A. You get your cost of living. I've
3 gotten one since I've been there. Like maybe five
4 cents, something like that.

5 Q. What about benefits? Do you have
6 benefits at General Electric?

7 A. Yes.

8 Q. What kind of benefits do you have?

9 A. You have your health benefits. Have
10 those.

11 Q. How much do you pay for health
12 insurance?

13 A. A month for me and my son, I think
14 it's \$20 a month.

15 Q. How old is your son?

16 A. I take that back. It's \$11 a week
17 between the both us, so that's \$22 a week. That's
18 how they take that out. They take it out every week.
19 \$11 for me and \$11 for him.

20 Q. So it's \$22 a week?

21 A. Uh-huh.

22 Q. Okay. And how old is your son?

23 A. 13.

24 Q. Any other benefits that you have at
25 General Electric, like life insurance?

1 A. Yes, we have that. We have life
2 insurance.

3 Q. Do you have dental?

4 A. We have dental.

5 Q. Do you pay for either of those?

6 A. Yes. The dental is, per week, I think
7 it's 11 per week for the both of us, apiece.

8 Q. And like a long-term disability
9 insurance?

10 A. We have that, too.

11 Q. Do you pay for that?

12 A. I pay into that. That's based on your
13 percentage of your salary. So it could vary from
14 week to week.

15 Q. And do you have any kind of profit
16 sharing or stock?

17 A. They have profit sharing but I'm not
18 in it yet.

19 Q. Anything else that you can think of?

20 A. I can't think of anything else.

21 Q. Then you mentioned that you were a
22 general manager for C and E Computers.

23 A. It was for -- they at the time owned,
24 had ownership in the dry cleaners so that's who I
25 worked through.

1 Q. So that's the same thing you were
2 already telling me about.

3 A. Yes.

4 Q. From 2001 to 2003.

5 A. Uh-huh.

6 Q. Okay. Did you work for the Oklahoma
7 Department of Transportation at one point?

8 A. Yes. I lived there for about four
9 years. That was in -- that's after I got laid off.
10 My husband and I, the one that passed away, that's
11 where we moved to.

12 Q. That was roughly between May 1994 to
13 July 1996?

14 A. Yeah. I think.

15 Q. Does that sound about right?

16 A. Uh-huh.

17 Q. Why did you leave there?

18 A. I left there because my husband had
19 gotten sick. Well, he had gotten really bad. And at
20 the time we left there getting ready to come back to
21 Ohio, but he got too sick to do that and he passed
22 away there in Oklahoma.

23 Q. And then did you also work at the
24 postal service?

25 A. Uh-huh.

1 Q. Where was that at?

2 A. In Middletown.

3 Q. And I've got from like February '97 to
4 February '99.

5 A. Yeah.

6 Q. Sound about right?

7 A. Uh-huh.

8 Q. You were a mail carrier?

9 A. Uh-huh.

10 Q. Delivered to the houses?

11 A. Uh-huh.

12 Q. How much --

13 A. Per hour?

14 Q. How much did you make an hour there?

15 A. Then it was about \$12 an hour.

16 Q. Why did you leave that job?

17 A. I left -- I think at the time I left
18 that my son was younger and I -- I'm trying to
19 remember. I think I left there to go and work in the
20 school system with him.

21 I think he might have been in third or
22 fourth grade, something like that. So I left to
23 spend more time with him, because he was having a lot
24 of hard problems, especially after his father passed
25 away.

1 So to spend more time with him I went
2 to the school system, but it was mostly on a
3 volunteer basis. Not a pay basis.

4 Q. More to spend time with him.

5 A. Right, right. And I was there just
6 about every day, helped out in school, helped out
7 with reading with the children, but I was with him a
8 lot.

9 Q. About how long was it, just that third
10 grade year?

11 A. Yeah, it was third and fourth.

12 Q. Third and fourth?

13 A. Third, fourth and fifth. I did that
14 for a few years.

15 Q. And how old is he now?

16 A. He's 13.

17 Q. Did you work at Burns Security at some
18 point?

19 A. Yes. I did that, too. I did that for
20 about a year or so. That before 2001.

21 Q. Yes. About February '99 to May 2001?

22 A. Yeah. I did that for a while. That
23 was an evening job. And all we did was we did
24 security for -- it was just a post where you sat
25 where trucks came through at Procter and Gamble and

1 we just logged them in and out.

2 Q. Now, was that before or after you did
3 the volunteering period?

4 A. That was after.

5 Q. Okay. How many words can you type per
6 minute?

7 A. Roughly, at the time, 60.

8 Q. When you say "at the time", what time
9 was that?

10 A. When I worked at Armco before. When I
11 had to type it was 60 words a minute then. I don't
12 have to do it as much now because my job doesn't
13 require me to do that, though, I do use a computer
14 every day, but I don't have to use it like that, but
15 I believe I could still do the same thing.

16 Q. Have you had any other kind of --
17 after Armco have you had a similar typing job since
18 then?

19 A. Burns Security we did a lot of typing
20 because we had to log the trucks in and out, so we
21 did a lot of reports and typing on that. I don't
22 recall a whole lot of anything else.

23 Q. Okay.

24 A. Oh, I take that back. When I was
25 general manager I had to do a lot of that, for the

1 dry cleaners. So a lot of reports and things and
2 payroll, so I did a lot of that then, too.

3 Q. Now, are you related to Allen Roberts?

4 A. Yes.

5 Q. How are you guys related?

6 A. Brother.

7 Q. What about Shawn Pryor?

8 A. That's my son.

9 Q. Oh. That's your 13-year-old?

10 A. No. That's my oldest.

11 Q. Oh, okay.

12 A. I have two sons.

13 Q. Okay. How old is Shawn, the older?

14 I'm assuming you didn't name them both Shawn.

15 A. Shawn is 32.

16 Q. Now, you filed a charge of
17 discrimination back in April 2000?

18 A. Uh-huh.

19 (Defendant's Exhibit 2
20 was marked for identi-
fication.)

21 Q. You've been handed what's been marked
22 as Exhibit 2.

23 A. Okay.

24 Q. Is that a copy of the charge you filed
25 back in April of 2000?

1 MS. DONAHUE: Look through it all
2 before you answer.

3 THE WITNESS: All right.

4 A. This is my signature. Yes.

5 Q. Is that your charge?

6 A. Yes.

7 Q. Why did you file the charge?

8 A. At the time I filed the charge because
9 I could not understand why I was not rehired or hired
10 after I had worked there before with no bad job
11 record, no felony charges, I was very well qualified
12 for the job, and I could not understand why I could
13 not be rehired.

14 Q. Any other reason why you filed the
15 charge?

16 A. At the time, also, a lot of people
17 that I had run into were being hired. Of course they
18 were not of my color, that I remember, that told me
19 that they were -- some of them got their jobs back.
20 But I was not one that got mine back. But they were
21 not of color.

22 Q. Now, who are these people that told
23 you --

24 A. They were friends of mine that -- I
25 mean, I don't know if I have to name names or not.

1 Q. If you have names of people, I'd like
2 the names of people who told you they were rehired.

3 A. Let me see if I can remember. I can
4 remember first names, but not last names.

5 Q. What are the first names that you
6 remember?

7 A. Dan is one.

8 Q. I'm sorry?

9 A. Dan is one name.

10 Q. Dan?

11 A. Yes. I can remember first name.
12 Another one is Mike. There's some more. I can
13 remember first name. Dan, Mike and there's another.
14 Sam is another, but I don't remember last names. But
15 they were hired at the time -- they had worked there
16 before and gotten rehired. I didn't get rehired.

17 Q. Do you know what --

18 A. After I applied.

19 Q. Do you know what period of time they
20 worked there?

21 A. They must have went in -- I don't know
22 if it was after 2000. I can't really recall since
23 it's been so long since I've seen them. At the time
24 all I know is I was angry because I couldn't get a
25 job back, but I'm trying to remember when. I know

1 when I was applying in 1999. It had to be right
2 before 1999 when I saw them.

3 Q. Saw all three of them together, or --

4 A. No, no, no. On different occasions,
5 like in a grocery store or something like that.

6 Q. How do you know Dan?

7 A. Dan I met when I worked there. I met
8 Dan and I worked -- I met him there, but he didn't
9 work with me.

10 Q. Okay.

11 A. Sam -- Sam lived -- I'm trying to
12 remember. I worked with Sam.

13 Q. At AK?

14 A. Yeah. And it was Armco then.

15 Q. I'm sorry.

16 A. And then Mike. I met Mike. I met
17 Mike when my son played baseball. His son and my son
18 was on the same baseball team. Now, that's how I
19 remember Mike. But they had all worked there. Now,
20 whether they work there now I don't know because I
21 haven't seen them in a long time.

22 Q. Now, when you said that Dan worked
23 there when you worked there.

24 A. Uh-huh.

25 Q. Do you know if he was ever let go from

1 there?

2 A. I don't know. I don't know.

3 Q. So you don't know if he was ever let
4 go and then rehired.

5 A. I don't know.

6 Q. What about Mike, did he ever work
7 there?

8 A. Yes.

9 Q. When did he work there?

10 A. Now, Mike all I met, like I said,
11 through my son and playing baseball and his kid, but
12 I don't -- he had been there a long time.

13 Q. Which son?

14 A. Malique.

15 Q. That's your younger son?

16 A. Uh-huh. That's the 13-year-old.

17 Q. So that's in the last probably ten
18 years at least.

19 A. Yeah. Yeah.

20 Q. And he'd been there a while when you
21 talked to him.

22 A. Yeah. He might have been. I don't
23 know. I never asked.

24 Q. And you don't know if he was ever
25 there and let go.

1 A. Let go or not. I don't know.

2 Q. What about Sam, do you know when he
3 worked there?

4 A. No.

5 Q. Do you know if he was ever let go and
6 then rehired?

7 A. I don't know.

8 Q. Okay. Anyone else that you were upset
9 about that you knew had been hired that you thought
10 somehow meant that your failure to be hired was
11 discriminatory?

12 MS. DONAHUE: Object to the form as
13 insofar as it calls for a legal conclusion.

14 A. Let me think a minute. Nothing right
15 now. I can't recall.

16 Q. All right. Is there anything that
17 would help refresh your memory?

18 A. I don't know.

19 Q. Do you keep any notes?

20 A. No, I didn't keep any notes.

21 Q. Did you keep a journal?

22 A. No, I didn't keep a journal.

23 Q. Do you keep a calendar of appointments
24 or anything like that?

25 A. No.

1 Q. Okay. When you filed this charge,
2 Exhibit Number 2, did you know that your brother had
3 already filed a charge?

4 A. No.

5 Q. You did not?

6 A. You talking about Allen Roberts.

7 Q. Yes. He didn't tell you he filed a
8 charge?

9 A. No. I don't remember if he did or
10 not, at the time, if he did it before me or not,
11 because when I did it, at the time when I did it I
12 said, well, I wonder what recourses could I take. So
13 this is the only recourse I could think of to take,
14 but I can't remember if he did it before I did or
15 not. I don't know. I don't remember.

16 Q. Did you ever talk to Allen about
17 filing a charge?

18 A. Yeah. I told him I filed a charge.

19 Q. What did he say about --

20 A. He said that's good. He said that's a
21 start to maybe something being done.

22 Q. Did he ever tell you anything that he
23 thought was discriminatory or that --

24 MS. DONAHUE: Object to the form.

25 It's a legal conclusion.

1 Go ahead.

2 A. As far as him being what now?

3 Q. Did he ever tell you anything to
4 support a claim of discrimination?

5 MS. DONAHUE: Object to the form.

6 Legal conclusion.

7 A. All I know is he's been through a lot
8 of things, but we haven't physically just sat down
9 and discussed them all, but I know that he filed a
10 charge.

11 Q. You know he's been terminated from AK
12 Steel?

13 A. Yes, I do.

14 Q. Do you know why he was terminated?

15 A. No, I don't know why.

16 Q. Did you know he tried to get someone
17 to lie for him?

18 MS. DONAHUE: Object to the form.

19 MR. KAMMER: Objection.

20 MS. DONAHUE: That is really -- no
21 foundation for that. It's very
22 inflammatory and argumentative.

23 BY MS. PRYOR:

24 A. I didn't even know that.

25 Q. Okay. Did you know he lost his

1 arbitration?

2 A. No. I don't know anything about that.

3 Q. How often have you talked to him about
4 this lawsuit?

5 MS. DONAHUE: Objection.

6 Q. Outside the presence of your counsel.

7 MS. DONAHUE: And also just to be
8 careful, if you and Allen talked about
9 anything that your lawyers discussed with
10 you, that's also protected by the
11 attorney-client privilege and the work
12 product document.

13 MS. PRYOR: No. I don't believe if
14 they were sharing things outside of your
15 presence if they -- they release privilege
16 when they start talking about it with
17 others.

18 MS. DONAHUE: But if they're talking
19 about things their lawyers asked them to
20 do, things that might reveal the mental
21 impressions of their lawyers, that's work
22 product.

23 BY MS. PRYOR:

24 A. Allen don't talk to me about those
25 matters. He just won't. I mean, we talk, but -- and

1 although I don't see him that often, but when it
2 comes to this he won't talk to me very much about it.

3 I don't know if it's a thing where he
4 just doesn't want me to know or doesn't want me to
5 see the hurt that he's been through. He just
6 doesn't -- he doesn't talk to me. He kind of clams
7 up. He doesn't talk to the family much about this at
8 all.

9 Q. Okay. Did he ask you to join the
10 lawsuit?

11 A. No, he didn't ask me. When I heard
12 about it I wanted to be in on the lawsuit because I
13 know I had charges myself.

14 Q. How did you hear about the lawsuit?

15 A. We were -- letters had went around the
16 neighborhood saying that if you wanted to come to a
17 meeting to find out your rights to get a job at AK,
18 you come to the meeting.

19 And we went. And a lot of the
20 neighborhood, a lot of people in the neighborhood
21 came to that meeting. There was a lot of people
22 there. I didn't know them all, but there were a lot
23 of people if you wanted to come and find out the
24 reason why you couldn't get a job at AK.

25 Q. Who was at that meeting?

1 A. It's been so long. I can't remember
2 that. That was years ago.

3 Q. Who led the meeting?

4 A. I remember where the meeting was,
5 but --

6 Q. Where was the meeting?

7 A. In Middletown at -- oh, what's the
8 name of it? Let me see. Let me get it right.

9 I can't think of it. I know her name
10 like the back of my hand. It was a -- it was a -- it
11 was a hall for underprivileged people, but I can't
12 think of the name of it. I can't recall the name
13 right now.

14 Q. That's okay. Do you know who led the
15 meeting?

16 A. I can't remember that, either. It's
17 been so long. They were lawyers, but I can't
18 remember -- I don't remember the names of them.

19 Q. Lawyers were there leading the
20 meeting?

21 A. Yeah, but they weren't leading. There
22 were some there, but they weren't leading the
23 meeting.

24 Q. You don't know who was leading it?

25 A. No. Some of them worked at AK. At

1 Armco then it was called, if I can remember. No, it
2 was AK. It would have been AK. That's right, but I
3 mean, lawyers were present, but lawyers didn't lead
4 the meeting.

5 Q. Was that before or after you filed
6 this charge?

7 A. That was before.

8 Q. Did they suggest at the meeting that
9 you should apply so you can be part of the --

10 MS. DONAHUE: Object to the form. If
11 this was a meeting with lawyers, then
12 anything that got suggested or discussed is
13 privileged.

14 MS. PRYOR: Lawyers were not leading
15 the meeting.

16 MS. DONAHUE: Lawyers were there. We
17 don't know. They might have been seeking
18 legal advice.

19 BY MS. PRYOR:

20 Q. Were those lawyers representing you at
21 that time?

22 MS. DONAHUE: That's not the standard.
23 If they were seeking legal advice from
24 lawyers, then that's privileged
25 information.

1 A. After the meeting was over they all
2 sat down and talked to each and every one of us
3 individually.

4 Q. So after the meeting --

5 A. Yes. We all talked.

6 Q. -- then you'd start talking to
7 lawyers. During the meeting itself were you seeking
8 advice from the attorneys?

9 A. They got up and gave their opinions
10 and suggestions.

11 Q. Why did you go to the meeting?

12 A. Because I wanted to know some more
13 about the reason why I could not have gotten a job
14 there at AK. The reasons maybe that would have been
15 behind me not getting a job.

16 Q. Did anyone -- I'm not asking what the
17 lawyers said, but did anyone else tell you that you
18 should apply? During this meeting was there
19 instructions for everyone to apply at AK?

20 A. No.

21 Q. Was there ever a time when there was a
22 meeting, and I'm not asking what lawyers told you,
23 was there a time when there was a meeting among that
24 group of people where people said let's all go apply?

25 A. No, I didn't go to a meeting like

1 that. No.

2 Q. Okay. What did you do after that
3 meeting?

4 A. I don't -- I don't -- I guess we just
5 waited for a response from our lawyers after that,
6 from the lawyers that were there.

7 Q. Did you end up hiring those lawyers?

8 A. No, no. They weren't hired.

9 Q. Did those lawyers ever give you legal
10 advice?

11 MS. DONAHUE: Object.

12 A. Like I said, we discussed things after
13 that, but we weren't given any advice as to what to
14 do. All I know is I had my EEOC charges and I often
15 wondered what to do after that.

16 Q. Did you file the EEOC charge after
17 that meeting?

18 A. I already had mine.

19 Q. Exhibit 2 was already -- you'd already
20 filed that before that meeting?

21 A. I believe I did already had charges.
22 Or I filed mine. I believe so. Yeah.

23 Q. Did you draft the language that went
24 in this charge?

25 A. That's my statement.

1 Q. Okay.

2 A. Yes, it is.

3 Q. Did an attorney draft it for you, or
4 did you draft that yourself?

5 A. No. That's my statement.

6 Q. Did you have an attorney when you
7 filed this?

8 A. No.

9 Q. Okay. Is everything on it true and
10 correct?

11 A. Yes, it is.

12 Q. You claim that there was
13 discrimination on several occasions, the latest being
14 on or about August 1999 you submitted applications
15 for employment.

16 A. Yes, I did.

17 Q. How many times did you submit
18 applications for employment?

19 A. I believe I did it roughly four times.

20 Q. Okay. And you never received a
21 response back to your applications?

22 A. No. I didn't get one.

23 Q. On any of them?

24 A. No.

25 Q. You say that to the best of your

1 information and belief the job openings for which you
2 applied were filled by Caucasian applicants with the
3 same or lesser qualifications than mine. Do you know
4 who filled the job openings?

5 A. I don't know who they were, but I had
6 a friend that worked there in the offices that,
7 especially on the jobs that I did apply for, and you
8 can call it hearsay, or what you want to call it, but
9 they weren't African American.

10 Q. Who told you that?

11 THE WITNESS: Do I have to give a
12 name?

13 MS. DONAHUE: If you know it.

14 A. Let me see who it is. Sheila Thomas?

15 Q. And she worked at AK Steel?

16 A. She did. I don't know if she does
17 now, but she did then.

18 Q. Is she white or --

19 A. She's black.

20 Q. What did she tell you?

21 A. That the jobs that they were filling
22 weren't filled by African Americans. That they were
23 Caucasian.

24 Q. When did she tell you that?

25 A. That at the time, it's been so long

1 ago. When I started applying, which would have been
2 in August of 1999. I waited and didn't hear
3 anything. I might have seen her later on in the
4 year. Maybe in 2000, something like that.

5 And she just told me that they
6 weren't -- that a lot of them that were coming in the
7 door weren't black. That they were mostly Caucasian.
8 Not many of them were black, if there were any. I
9 don't even remember telling me if there were any, but
10 like I said, she was in the -- I don't know if she
11 was in security. So she got around quite a bit. I
12 think she was in security. I do believe that's what
13 she did.

14 Q. Other than her telling you that, any
15 other way that you know who received jobs?

16 A. No. That would only have been through
17 word of mouth.

18 Q. You say that "I believe AK Steel
19 favors Caucasians over minorities in its hiring
20 policies and practices." What causes you to believe
21 that?

22 A. I guess because, for one, I didn't get
23 a job, another job anyway, get back there. And
24 mostly I guess from word of mouth from everyone that
25 I would have run into or talked to that either were

1 already working out there or had gotten a job there.

2 And most of the people that I guess I
3 knew were Caucasian. Some of the ones that had the
4 jobs there or that had gotten a job.

5 There are some people now where I work
6 at GE who left AK to come work at GE. They were all
7 Caucasian. They weren't -- just about four or five
8 of them. They left there.

9 When we were sitting in the -- during
10 the hiring process people would sit around and they
11 talk, and some of them were saying that, I don't know
12 by name, but some of them were saying that they left
13 AK to come, but none of them were African American.
14 They were white.

15 Q. You said that they left AK to come to
16 GE?

17 A. Yeah. It was about four or five of
18 them, yeah. We were sitting in a room waiting to go
19 in and take our physicals.

20 (Defendant's Exhibit 3
21 was marked for identi-
22 fication.)

22 Q. You've been handed what's been marked
23 as Exhibit 3. Have you ever seen this document
24 before?

25 A. It's been so long I can't remember,

1 but I don't know. I don't remember, but --

2 Q. If you could just read through it and
3 let me know if --

4 A. Okay.

5 Q. -- those are correct statements that
6 you might have told someone.

7 A. If I did, she messed this up here
8 where it says I worked there before. It was in '82
9 and '84. That's wrong.

10 Q. Right.

11 (Mr. Kammer left the deposition
12 hearing room.)

13 A. It's true, I did replace somebody who
14 was retiring. They have the dates wrong.

15 Q. Which dates?

16 A. The '87 and '88. That's not right.

17 Q. That's in the second paragraph there?

18 A. Yeah. And it's also on the back,
19 also.

20 Q. Yeah. Other than the dates, the
21 1987-88 dates, is everything else true to your
22 belief?

23 A. To my belief that's the way it was
24 when I worked there, yes, but those dates aren't
25 right.

1 Q. Everything else in this statement
2 true?

3 A. Yeah. Yeah. It seems to be.

4 (Mr. Kammer returned to the deposition
5 hearing room.)

6 Q. Okay. When you applied you said you
7 applied four times?

8 A. Yes.

9 Q. Do you know when those four times
10 were?

11 A. I think August of 1999, September of
12 2001, April, I believe, of 2002, and May of 2002,
13 because I did twice that year.

14 Q. All right. Let's talk about the
15 August 1999 --

16 A. Okay.

17 Q. -- one first. According to this
18 statement here it says that you went to an employment
19 career center on University Boulevard to pick up an
20 application. Is that correct?

21 A. Yes.

22 Q. Is that part of the unemployment
23 services?

24 A. Well, I thought -- well, they had a
25 career center, because it's right directly in front

1 of where I live at, but it was an AK employment
2 career center and you can go over there and get
3 applications. It was an office over there. And you
4 can go get applications and bring them back and turn
5 them in there.

6 Q. Now, is that part of the state bureau?

7 A. I thought it was part of maybe AK.

8 Q. Does it have an AK sign out in front?

9 A. Yeah. It just said AK was in the
10 window. It didn't have an unemployment bureau
11 services sign out there. It had the AK emblem.

12 Q. This is on University Boulevard?

13 A. Yeah. It was in a little strip mall.

14 (Defendant's Exhibit 4
15 was marked for identi-
16 fication.)

17 Q. You've been handed what's been marked
18 as Exhibit 4.

19 A. Okay.

20 Q. Is this something you filled out when
21 you went there?

22 A. To AK?

23 Q. To that employment career center.

24 A. No. They gave us an application.

25 Q. Do you know where you filled this out
at?

1 A. This one here (indicating)?

2 Q. Let me back up. Did you fill this
3 out, Exhibit 4?

4 A. Let me see. It's my handwriting.

5 Q. Do you know where you filled this out
6 at?

7 A. No, I don't recall where. No. It
8 says unemployment office at the top so I believe it's
9 the unemployment office. That's what's at the top of
10 it.

11 Q. You don't know when you filled this
12 out?

13 A. No. No.

14 Q. Do you know why you filled this out?

15 A. To try to get a job. I mean, I was
16 applying for employment.

17 Q. So when you're applying for employment
18 with AK?

19 A. Uh-huh.

20 Q. Under the Job Order number it says AK.
21 Is that your handwriting? It's at the top corner.

22 A. You mean did I fill out this whole
23 thing?

24 Q. Did you write AK?

25 A. Yes.

1 Q. So is this something you filled out
2 when you were trying to apply for employment with AK?

3 A. Yes.

4 Q. Was this filled out when you went to
5 this employment career center?

6 A. There were like -- you have your --
7 there were three or four sheets of paper on the
8 inside of the application. See, I can't remember.
9 It's been so long. I don't know if this is one of
10 the papers or not.

11 Q. Did you retain a copy of this?

12 A. I don't have this.

13 Q. You don't?

14 A. No.

15 Q. Did you retain any applications that
16 you completed?

17 A. If I do, I don't know where they're
18 at. I did, but I can't find them.

19 Q. Do you know who else would have, of
20 the plaintiffs, would have had your applications or
21 this document?

22 A. No, I don't. I mean, I don't have
23 this one. No. I mean we filled them out and turned
24 them in.

25 And I did -- and when you go over

1 there she asks, "Do you have an application?"

2 I said, "Yes." And then you put it
3 over in the tray. And nobody came out to talk to you
4 or give you an interview or anything. She just said
5 put them in the tray. So that's what we did with
6 them.

7 Q. Okay. The people inside there.

8 A. Uh-huh.

9 Q. Was it an office?

10 A. Yeah. It was an office and it was a
11 desk out front. And she said, "Are you here to get
12 an AK application?"

13 I said, "No," I said, "I already have
14 one."

15 She says, "Well, if you've already
16 filled it out to the best of your ability, then you
17 put it right here." So that's what I did.

18 Q. Do you know if they did anything else
19 with that?

20 A. No. We just left. They was a lot of
21 people in there, but I just put mine there and left.
22 And there were some people sitting in chairs. I
23 don't know why, but she asked me if I wanted one but
24 I already had one.

25 Q. Do you know if you could apply for

1 other jobs at this center?

2 A. No. I didn't ask.

3 Q. Okay. All right. This career -- what
4 did you call it, an employment career center, is that
5 the place you went for all four of your applications?

6 A. Yes.

7 Q. Was it the same procedure for all
8 four; you'd pick up an application there?

9 A. Yeah. You can pick one up, yeah.
10 They were out there on the desk. You could pick them
11 up.

12 Q. Did you fill them out at home?

13 A. No. I took mine home.

14 Q. You took yours home?

15 A. Uh-huh.

16 Q. Completed it and brought it back.

17 A. And then brought it back.

18 Q. Did you ever make copies of any of
19 those applications?

20 A. No. I regret I didn't do that, but I
21 didn't do that. I guess I didn't think that I
22 would -- there was no reason to do that. I guess I
23 didn't think about it. You turn them in, they ought
24 to get them, but I never thought about making a copy
25 of it.

1 Q. Do you know if your application ever
2 got to anyone outside of that career center?

3 A. That's what I was hoping it would, but
4 I don't know if it did or not.

5 Q. And you didn't talk to anyone from AK?

6 A. No.

7 Q. And you never heard anything back from
8 AK?

9 A. No.

10 Q. And that's on any of your
11 applications.

12 A. Unh-unh.

13 Q. Okay. On the charge that you filed,
14 Exhibit 2, did you receive what's called a Notice of
15 Right to Sue as a result of that charge?

16 A. This one here (indicating)?

17 Q. Yes, Exhibit 2. Do you remember?

18 A. I can't remember. Anything that I
19 ever got from the EEOC of any right to charge, I know
20 I would have filled it out and turned it back in.
21 Anything that I was ever given, I always filled my
22 paperwork out and turned it back in, so I can't
23 remember. There were so many things we signed then,
24 so I couldn't -- I mean, I just can't recall.

25 Q. When you say "we" --

1 A. If that was one of them.

2 Q. When you say "we" --

3 A. Well, you know, anybody who gets a
4 charge or whatever, but, I mean, all I know is I
5 meant myself, whenever I did.

6 Q. Were there a group of you that were
7 filing charges?

8 A. I don't know about a group. I don't
9 know if anybody else received theirs or not. I mean,
10 there's other people in the lawsuit, so I'm just
11 imagining and thinking that they would have if they
12 got them. I mean, if I got anything from the EEOC or
13 anybody, I always filled it out and turned it back
14 in.

15 Q. Why didn't you file a lawsuit based on
16 this discrimination charge, Exhibit 2?

17 A. Why did I?

18 Q. Why did you not?

19 A. I didn't? You're saying I didn't?

20 Q. On Exhibit 2.

21 A. Yeah.

22 Q. Yes. Complained about it in August
23 '99. Why did you not --

24 A. This one here (indicating)?

25 Q. Yes. Why did you not file a lawsuit

1 over the alleged discrimination in August 1999?

2 A. No lawyer. I didn't have a lawyer and
3 I couldn't afford one, for one thing.

4 Q. When did you first get a lawyer?

5 A. Well, that would be hard to remember.
6 I don't know if it was in the year 2000. It may have
7 been in the year 2000, but I can't remember. It may
8 have been in the year 2000, but I'm not sure.

9 Q. Okay. Why did you continue to apply
10 at AK Steel?

11 A. I continued to apply for the simple
12 fact I knew I was qualified for a job there. And I
13 wanted a job there because the money was good. And
14 it wasn't far from where I lived, also.

15 So I knew that I could -- I knew that
16 I could get a job there, because I had worked there
17 before. And I guess with persistence I guess I
18 figured I'd finally get one, but that didn't happen.

19 Q. I think you said you applied in both
20 April and May of 2002?

21 A. Uh-huh.

22 Q. Why did you apply one month after the
23 other?

24 A. Because I thought if I got as many in
25 there at one time that somebody would eventually get

1 one of them. If I did them back to back, if someone
2 would get it and figure that I was serious about
3 getting a job, that's the reason why I did it back to
4 back.

5 First thing, then I thought well,
6 maybe they didn't get it. Maybe it got lost. So
7 then I went and filled another one out.

8 Q. And each of those, I may have already
9 asked this, and I apologize, and each of those
10 applications that you testified about you did at this
11 employment place on University Boulevard.

12 A. Yes.

13 (Defendant's Exhibit 5
14 was marked for identi-
fication.)

15 Q. Okay. You've been handed what's been
16 marked as Exhibit Number 5. Is that your signature
17 at the bottom?

18 A. Yes, it is.

19 Q. And is that your signature on the last
20 page?

21 A. Yes.

22 Q. Why did you file this second charge?

23 A. I filed a second charge because
24 nothing was ever done about me getting a job there,
25 and I felt we had the right to do that with the

1 attorneys that we had.

2 Q. Did you have attorneys by the time the
3 second charge?

4 A. Yes.

5 Q. Did the attorneys draft the document?

6 A. This here?

7 Q. Yes. Exhibit 5.

8 A. They're my statements.

9 Q. Did you type them?

10 A. I didn't type them, but they're my
11 statements, but I didn't type them.

12 Q. And did you sign this on about June
13 10th, 2002?

14 A. Yes. Right around there sometime I
15 remember. I know it was in June. June or July.

16 Q. There's the date (indicating).

17 A. Oh, yeah. Okay. I see it.

18 Q. Is that your date?

19 A. Yeah.

20 Q. In section two you state that most
21 recently you applied for a clerical position in April
22 2002. Now, why didn't you list the May 2002 one?

23 A. I guess at the time when they were
24 asking when I did this, that was the most recent time
25 I had done it, because it was before May. So this

1 was in April, but they didn't ask for how many. I
2 had just recently applied.

3 Q. But you signed this in June, which is
4 after May.

5 A. I don't know why it wasn't put in
6 here, but I guess that was my most recent time that I
7 applied. So I just gave them the day.

8 Q. Does that mean that May is not most
9 recent or -- I'm confused.

10 A. No. It might have been an oversight
11 on my part.

12 Q. Okay. But you did apply, you're
13 telling me, in April 2002 and May 2002?

14 A. Yes, I did.

15 Q. You saw job postings in the newspaper
16 and on TV?

17 A. They had newspaper and television.

18 Q. And you were applying for a clerical
19 position?

20 A. They had clerical and general laborer.
21 So I applied for clerical this time to see if I could
22 get in the office since I, even though my first job
23 there was hourly, but it was a clerical status but it
24 was an hourly position.

25 Q. Now, you say that "I have no felony

1 convictions."

2 A. No.

3 Q. You've never been convicted of a
4 crime?

5 A. No.

6 Q. What about a misdemeanor?

7 A. No.

8 Q. Okay. You say They, "they" being AK
9 Steel, did not acknowledge receipt of your
10 application materials, schedule you for an interview
11 or test you or notify you of rejection. Is that
12 correct?

13 A. No, they did not.

14 Q. You never heard anything back from
15 them.

16 A. No, I didn't.

17 (Defendant's Exhibit 6
18 was marked for identi-
fication.)

19 Q. You've been handed what's been marked
20 as Exhibit 6. Is that your handwriting?

21 A. Yes, it is.

22 Q. Now, down at the bottom corner there's
23 a big number 0286 and then it says Plaintiff's first
24 production defendant. Do you know if that was --
25 this was produced by you in response to some document

1 requests?

2 A. I couldn't tell you. I don't know.

3 Q. Do you have a copy of this application
4 at home --

5 A. No.

6 Q. -- that you produced to your
7 attorneys?

8 A. If I do, I don't know where it is
9 because I've moved too many times. I'm quite sure I
10 can't find it.

11 Q. Did you ever give a copy of an
12 application to your attorneys?

13 A. I've given the attorneys everything I
14 had, I'm quite sure. Maybe I did, but I just don't
15 remember.

16 Q. Do you know, is it possible you would
17 have given this to any other plaintiff?

18 A. No. No. I didn't have no reason to
19 give it to them.

20 Q. So if your attorneys got it, they
21 would have gotten it from you?

22 A. Yes.

23 Q. And do you know why you would have
24 kept this document?

25 A. I don't know if maybe I was able to

1 find it because I had it at the time. Maybe it
2 hadn't been that long, and I probably hadn't moved
3 around as much as I have, but I can't -- I don't have
4 any of them now. That I do know, because I can't
5 find them because I looked. I can't find them.

6 (Defendant's Exhibit 7
7 was marked for identi-
8 fication.)

8 Q. You've been handed what's been marked
9 as Exhibit 7.

10 A. Uh-huh.

11 Q. Is that your handwriting?

12 A. Yes.

13 Q. Is that your handwriting on the date
14 5-23-01, at the very top?

15 A. Oh, yes.

16 Q. That's your handwriting?

17 A. Yes.

18 Q. Is that the date that you would have
19 completed this document?

20 A. Yes. That's what I have up there,
21 that's the day I did it.

22 Q. Did --

23 A. Or completed it.

24 Q. Does that refresh your memory that it
25 wasn't September 2001, but maybe it was May 2001 when

1 you applied?

2 A. No. I know I did in September, also.
3 This might have been one I've forgotten, but I know I
4 did in September because it was in the fall of the
5 year. And I remember that.

6 This might have been one that I might
7 have overlooked, but I know I applied quite a few
8 times. Maybe even more than the four times I said,
9 but I know I did in September, also, of 2001.

10 Q. Why do you know it was September 2001?

11 A. Because at that time my son had -- he
12 was in a bad accident. And right before that I
13 filled out an application because I was trying to get
14 a job there, and he was in a bad accident and I'll
15 never forget it.

16 And I was going to take that
17 application over and something happened. I was on my
18 way and I got called by the school and I had to leave
19 and go. So I'll never forget that. And that was in
20 September, because school had just started.

21 Q. This is your younger son?

22 A. Yes.

23 Q. He was in an accident at school?

24 A. Yeah.

25 Q. And it was while you were on your way

1 to turn in the application?

2 A. Yeah. I was going to go do that and I
3 got a phone call from the school.

4 Q. Do you know if you ever maybe forgot
5 then to turn it in at the time since the accident?

6 A. No. I turned it in.

7 Q. When did you turn it in then?

8 A. It might have been a day or two later,
9 but I turned it in, because I left it sitting right
10 there on the table before I was getting ready to
11 leave because I knew what I had to do with it. And I
12 turned it in maybe the next day. Might not have been
13 the next day, but the next couple days. But I did
14 turn it in.

15 Q. But you don't have a copy of that?

16 A. No, I don't have it.

17 Q. Let me ask you. If you look at
18 Exhibit 7 and Exhibit 6. In Exhibit 6 I'm going to
19 represent to you, and I think your attorneys will
20 agree, that this was produced by your attorneys.

21 A. Uh-huh.

22 Q. The handwriting looks identical to me
23 throughout. I mean, if you look at the pages,
24 obviously the bottom tear-off sheet is missing from
25 the Exhibit 7, but if you look at everything else

1 between Exhibit 6 and Exhibit 7, if you compare the
2 two, it looks to be the same document.

3 A. These two here (indicating)?

4 Q. Yes. It looks to be a copy of the
5 same document.

6 A. No.

7 Q. No? What's different? On the part
8 that you filled out.

9 A. No, it's not -- I don't know what's
10 different, but it's not the same.

11 Q. You don't think that's the same?

12 A. There's no date here.

13 Q. I know there's a date missing on the
14 one that you had and the pages are stapled in a
15 different order, the one I gave you, but --

16 A. I mean, I always basically write the
17 same.

18 Q. Well, if you look at under Position,
19 when you list your positions, you've got, on both of
20 them, the Oklahoma Department of Transportation, you
21 wrote Department of Transportation and then you wrote
22 Oklahoma up on top of name of employer.

23 A. Right.

24 Q. You also then have OKC and OK
25 underneath the line in exactly the same spot.

1 A. Well, a lot of the ones I did do, all
2 I ever did was just copy down what I had, because
3 that's all I had to do, and just turned it in.

4 Q. So you're saying --

5 A. I didn't have to redo them.

6 Q. Are you saying these are not the exact
7 same written document? Your handwriting is in
8 exactly the same spot on both of them. I understand
9 the information is going to be the same, but your
10 handwriting is in exactly the same spot, it looks to
11 me. Do you disagree?

12 A. I guess I see what you're talking
13 about, but I guess I don't see it. I mean, it's the
14 same information.

15 Q. You're saying the handwriting is not
16 the exactly the same in the exact same spots?

17 A. Yeah, but on a lot of my applications
18 even where I'm at now, all I do is make a copy and
19 just turn them in so I don't have to rewrite them. I
20 always did that.

21 Q. So you would have made a copy.

22 A. Oh, yeah. I always did that. That
23 way I never had to keep writing the same thing all
24 the time. I just made copies and turn in the same
25 thing.

1 Q. Okay. Okay.

2 A. Because it's basically always the
3 same.

4 Q. So when you started applying at AK,
5 you made a copy of your application.

6 A. Yeah.

7 Q. Didn't put the date at the top.

8 A. No.

9 Q. And then every time you went --

10 A. Yeah. That's all you have to do,
11 because it's basically the same thing.

12 Q. Just resubmit the new document and put
13 a new date on there.

14 A. Right. Right. Right.

15 Q. Okay. That makes sense.

16 A. I always did that so I didn't have to
17 write all that over and over and over again.

18 Q. Sure. So Exhibit 6, which was
19 produced by your attorneys, that would be then your
20 original document that you were making copies of.

21 A. Yes. Yes.

22 Q. That was not something that was turned
23 in --

24 A. No.

25 Q. -- separate from the other ones.

1 A. No.

2 Q. Okay. And is everything on your
3 application, is that true and correct?

4 A. Yes, it is. You mean right here
5 (indicating)?

6 Q. Throughout the entire application.

7 A. Yes, it's correct.

8 Q. Were there other places that you had
9 applied multiple times where you would make a copy of
10 something of your application so you could apply
11 multiple times?

12 A. Well, I did for General Electric
13 because when they were rehiring I wanted to make sure
14 they got it. So I know I did that five times. And I
15 made a copy. I've always done that. Even when I
16 lived in Oklahoma, a lot of jobs. Because it's
17 easier to do that, just make a copy, then you just
18 staple it in. That's it.

19 Q. Sure. So then it was not unusual for
20 you to apply somewhere four or five times?

21 A. No.

22 Q. I'm going to look at, on the first
23 page, I'm going to look at Exhibit 7.

24 A. Okay.

25 Q. The first page it asks you "Have you

1 previously applied at Armco or AK Steel?" You say
2 yes. Then it says, "If yes, when and where?" And
3 you just say September 1999.

4 A. Yes.

5 Q. That was not a complete answer, was
6 it?

7 A. When you say "complete", what do you
8 mean?

9 Q. Well, you told me you applied in
10 August 1999. Did you apply in August or did you
11 apply in September?

12 A. Well, at that time maybe it was an
13 oversight of a month or so, or a day, but it's
14 basically close to the same thing.

15 Q. You think it was the same?

16 A. Yeah. It might have meant August and
17 put September, but they're basically either September
18 or August. It wouldn't have made much difference.
19 Just a month.

20 Q. Do you know today which month you did
21 apply in?

22 A. I believe it was August of 1999.

23 Q. Okay.

24 A. I believe it may have been. I'm not
25 quite sure, but I know it was around that time

1 sometime, September or August.

2 Q. Now, on this application you said that
3 you left the postal service because your husband was
4 terminally ill.

5 A. Right. Right.

6 Q. Earlier you testified that it was the
7 Oklahoma Department of Transportation that you left
8 because of your husband.

9 A. Yeah.

10 Q. Which one was it?

11 A. Well, both, because he stayed sick all
12 the time.

13 Q. So he did make it back from Oklahoma?

14 A. Yes. We made it back, but he
15 didn't -- we went back to visit, basically, but we
16 couldn't get the dialysis set up like we wanted to.
17 And his mother was sick, also, at the time. And she
18 was terminal.

19 So we went back to be with her, and
20 then not much longer after we got back she passed
21 away, and then not much longer after that he did.

22 Q. What year did he pass away?

23 A. He passed away, I believe it was 1997.

24 Q. And I got some confusion.

25 A. I think it's 1997.

1 Q. On the postal service it says you
2 resigned, and you resigned in February 1999.

3 A. Right.

4 Q. To take care of your husband.

5 A. Yes. February 1997.

6 Q. That's when you started the employment
7 at the postal service.

8 A. Yes.

9 Q. And it says you resigned in February
10 1999.

11 A. Well, see, I was here, but he was not.
12 I traveled back and forth.

13 Q. So he stayed in Oklahoma?

14 A. Yes. He was here. I came back here
15 to try to get a job for when he, if we decided to
16 move him back here, I'd have employment. Because
17 nobody could work but me.

18 So when I came back and got the job
19 they gave me the job, but I traveled back and forth.
20 I would go home maybe once a month back to Oklahoma
21 and come back. See, he died in August of 1997.

22 Q. Okay. So why would you resign from
23 the postal service in February of 1999, a year and a
24 half later, to take care of him?

25 A. I might have got my dates mixed up on

1 here. Unless I'm thinking -- when did he pass away?
2 You have to forgive me. That's a hard time for me.

3 Q. I understand that. I apologize.

4 A. That's all right. Just let me
5 remember. Maybe I didn't write it down right or tell
6 you right because it's so long.

7 He died in August, but it was -- I
8 can't remember if it was -- it was '97 or '99. I
9 might be getting it mixed up, but all I know is I
10 worked at the post office and I traveled back and
11 forth. And then finally I had to quit because I
12 couldn't keep that up and he was terminally ill and I
13 finally just resigned. But I can't remember.

14 Q. How old was your son when your husband
15 passed away?

16 A. He was three or four. No. He was
17 five. He was five, five-years-old.

18 Q. What year was he born?

19 A. Malique was born in 1995? No, not
20 '95. I'm sorry.

21 Q. '94?

22 A. Hold on. Hold on. No. Malique was
23 born in '93. '92. I'm sorry. June of '92. That's
24 when Malique was born. He was born before I got laid
25 off from General Electric.

1 Q. Okay. So he would have been five in
2 '97?

3 A. Yes. So I know he was older. So all
4 I know is maybe, like I said, maybe I had the date
5 wrong. I know it was August. And it must have been
6 '99, because that's what I got down here. I thought
7 it was '97.

8 Q. But it also said that you took a job
9 position at Burns Security in February 1999.

10 A. Yes.

11 Q. Were you working there when your
12 husband passed away?

13 A. No. I got the job, but when I got the
14 job they held that job open for me. I think they
15 held that job for -- because, see, it wasn't
16 something that I had to be at and they had a great
17 supply of people, but they held that job for me for
18 about three months. So I really didn't go right to
19 work, but when I decided to come, they said just let
20 us know. And that's what I did. I took I guess it
21 was about three months, four months later before I
22 went there.

23 Q. So when you said that you started in
24 February 1999, that was when you were hired but not
25 when you started.

1 A. Right, but not when I started, no.

2 Q. Got you. Okay. And just so I'm kind
3 of clear on this. Exhibit 7, the information on
4 Exhibit 7, other than the initial date on it, would
5 be the exact same information on each of your
6 applications because it was a copy of it.

7 A. Right. Yes.

8 Q. Okay. Now, did you know if AK was
9 hiring at each of the times you applied?

10 A. Apparently they were, because they
11 were giving out applications. You were able to get
12 one. They didn't tell us that they weren't when I
13 picked them up.

14 Q. This was at the employment career
15 center?

16 A. Right.

17 Q. And no one at AK Steel ever said
18 anything to you about your application. Is that
19 correct?

20 A. No, they did not.

21 Q. No one ever told you why you were not
22 hired.

23 A. No, they did not.

24 Q. No one at AK ever said anything to you
25 about your race?

1 A. No. They never talked to me.

2 Q. And I'm assuming no one at AK Steel
3 ever said anything that you would feel is
4 discriminatory or offensive?

5 A. The only time something was said to
6 me, but it wasn't by an -- well, it was by an AK
7 Steel employee, but it was someone on the same level
8 as I was as far as hourly.

9 But we were all sitting in the lunch
10 area. And I don't know if it was a statement to hurt
11 my feelings or what it was. And the guy made a
12 statement and all he said was, "Well, you know why
13 you were hired?"

14 And I said, "Why?" I said, "Yeah, I
15 know why."

16 And he said, "Do you really know why?"

17 I said, "What do you mean, do I really
18 know why?"

19 And he said, "Well, you're a double
20 minority."

21 I said, "A double minority?" Like
22 that. We were all just sitting in the little break
23 area.

24 And he said, "Yeah. You're black and
25 you're female." And he laughed. Maybe it was a

1 joke. I don't know, but that's just the way he put
2 it. And everybody kind of laughed it off. I didn't
3 take any stock in it at the time. I just didn't say
4 anything.

5 Q. Is that the only comment that you
6 think was offensive or --

7 A. Yeah. That's the only one that I can
8 remember.

9 Q. Was that when you were actually
10 employed by Armco?

11 A. Yes.

12 Q. And this was a co-worker of yours at
13 Armco?

14 A. I didn't know him. He was just
15 sitting over there at the table.

16 Q. Do you know his name?

17 A. I don't know who he was, no.

18 Q. Okay. Do you have any idea why you
19 were not hired?

20 A. No, I don't.

21 Q. Have you ever heard from anyone why
22 you were not hired?

23 A. No, I didn't any hear anything.

24 Q. And you never met with anyone at AK
25 Steel about a position?

1 A. No, I didn't.

2 Q. You never took a test at AK Steel for
3 a position?

4 A. No. They didn't give me a test.

5 Q. And you were never interviewed?

6 A. No.

7 Q. Okay. Now, back in what's Exhibit 3,
8 which says Affidavit at the top.

9 A. Okay.

10 Q. It says that you filled out an
11 application and it asked for your age and race.

12 A. Uh-huh.

13 Q. Where did the application ask for your
14 age and race?

15 A. It was on a separate piece of paper on
16 the back, toward the back. It was on a separate
17 piece of paper that was sitting inside the
18 application.

19 Q. Okay. Do you know what else was on
20 that separate piece of paper?

21 A. Age and race, and have you ever been
22 convicted of a felony or whatever, if I can remember.
23 It was just age and race.

24 Q. Is that Exhibit 4?

25 A. This here (indicating)?

1 Q. Yes.

2 A. No. It was on a separate piece of
3 paper. It didn't have a lot of words on it. There
4 wasn't a lot of writing on it. Not like this, no.

5 Q. How many pieces of paper did you fill
6 out when you applied?

7 A. You had your regular form, and then
8 you have, I'm trying to remember, two or three pieces
9 of paper on the inside, but I can't remember or
10 recall what they were, but you had your regular
11 application and then there were papers on the inside
12 of the application.

13 (Defendant's Exhibit 8
14 was marked for identi-
fication.)

15 Q. You've been handed what's been marked
16 as Exhibit 8. Is that one of the forms that was in
17 the application packet?

18 A. Yes. I remember the being able to
19 work rotating shifts.

20 Q. Is that your signature on the second
21 page?

22 A. Yes, it is.

23 Q. I notice it's not dated. I'm assuming
24 that's because you copied the stuff as well?

25 A. Yeah.

1 Q. And this document does not ask for age
2 or race.

3 A. No, this one doesn't, no.

4 (Defendant's Exhibit 9
5 was marked for identi-
6 fication.)

7 Q. Okay. You've been handed what's been
8 marked as Exhibit 9. Is this also a document that
9 was part of the application?

10 A. Yes, it is.

11 Q. Is that your handwriting?

12 A. Yes, it is.

13 Q. And your signature?

14 A. Yes.

15 Q. Again, it's not dated.

16 A. No.

17 Q. Because you would have copied this.

18 A. Right.

19 Q. And this also does not ask for your --

20 A. No, it does not.

21 (Defendant's Exhibit 10
22 was marked for identi-
23 fication.)

24 Q. You've been handed what's been marked
25 as Exhibit 10. Is that your handwriting?

A. Yes.

Q. Was this also part of the AK Steel

1 application package?

2 A. This one I don't remember. I don't
3 know. I don't remember. It's my handwriting, but I
4 don't remember if it was part of that or not.

5 Q. Do you know when else you would have
6 filled this out?

7 A. Unemployment office? I'm not sure.
8 Maybe.

9 Q. Did you ever fill out anything at the
10 unemployment office about AK Steel?

11 A. When I first got hired, the first time
12 I got a job.

13 Q. I'm talking --

14 A. The first time, you know, like in
15 1982.

16 Q. After Burns Security, which is listed
17 on Exhibit 10, would you have gone to unemployment?

18 A. No.

19 Q. Where is the unemployment office
20 located at?

21 A. In Hamilton, Ohio. I do believe
22 that's where it is now. I think it's in Hamilton.
23 This might have been a part of it, but I don't
24 remember. Like I say, there was two or three pieces
25 of paper maybe, you know, like on the inside of the

1 application, but I don't know if this was one of them
2 or not.

3 Q. But that is your handwriting?

4 A. Yes.

5 Q. Is everything on it true and correct?

6 A. Yes.

7 Q. Okay.

8 A. Yes. That's correct.

9 Q. You don't know the identities of any
10 of the white applicants that were hired instead of
11 you?

12 A. I don't know. No. I don't know
13 anybody personally, no.

14 Q. Do you know the names of anybody?

15 A. No.

16 Q. And you were not denied the right to
17 apply to work at AK Steel, were you?

18 A. No, I was not denied the right.

19 Q. Okay. The application process itself
20 in terms of filling out these applications, whatever
21 process you went through, was there anything hostile
22 about that?

23 A. No, they were not hostile.

24 Q. You said Shawn Pryor is your son?

25 A. Yes.

1 Q. Do you know if he's applied at AK
2 Steel?

3 A. Shawn, he applied there, but I don't
4 know when. I couldn't tell you when.

5 Q. Do you know why he wasn't hired?

6 A. I do not know. Very well qualified,
7 but I do not know.

8 Q. Do you know how many times he applied?

9 A. No, I do not.

10 Q. Do you know whether he has any
11 manufacturing experience?

12 A. I don't know if he has any
13 manufacturing experience or not. He's worked in a
14 factory, but I don't know what he did there.

15 Q. Okay. Do you know why any of the
16 other plaintiffs named in this lawsuit were not
17 hired?

18 A. No, I do not.

19 Q. Do you know anything about their
20 applications or their qualifications?

21 A. No, I don't.

22 Q. Do you know any of the underlying
23 facts for any of these other plaintiffs' claims?

24 A. No, I don't.

25 Q. Okay. Do you have a resume?

1 A. I may have one somewhere, uh-huh.

2 Q. Have you ever put together a resume?

3 A. I did when I first got laid off from
4 General Electric, but I haven't since then. When I
5 first got laid off then I -- I don't know if I put
6 one in with -- I did. There was a resume in with my
7 application.

8 Q. Do you have that resume still today?

9 A. I don't know if I do or not. I might
10 have had it at one time, but I don't know if I could
11 find it or ot.

12 Q. Would you have still had it in May of
13 2002 when you last applied?

14 A. Yes. I would believe I would have.

15 Q. Would you still have had it a month
16 later when you filed this lawsuit?

17 A. Yes.

18 Q. And you think it's gone since then?

19 A. If it's not in my computer, it
20 probably is, because that's where I would have stored
21 it at, in my computer. I had it, but I've long
22 gotten another computer since then, so I'm not -- if
23 I have one, it's an updated one.

24 Q. In Exhibit 3, which again is the
25 affidavit -- I'm sorry to keep switching on you.

1 A. That's all right. Okay.

2 Q. The bottom of the first page, that
3 last paragraph, "The office where I was doing
4 payroll"... Is that referring to when you worked at
5 Armco?

6 A. Yes. I was in the -- there was a
7 clerical part of my hourly job.

8 Q. And it says that you kept records
9 identifying the race and age of the employees. What
10 records were those?

11 A. They were payroll records.

12 Q. Those weren't the application records?

13 A. No.

14 Q. You don't know what those records were
15 used for, do you?

16 A. No.

17 Q. And the numbers of -- you say in 1987.
18 And actually that should be 1982 to 1984.

19 A. The dates are wrong.

20 Q. You say there were about 1200
21 laborers?

22 A. At the time.

23 Q. How did you know that?

24 A. Let me see if I can remember. The
25 overtime sheet, you get a -- what's it called? Oh, I

1 don't know if it's called an overtime sheet, but it's
2 called a seniority sheet and it has the number of --
3 a lot of times it has the number of applicants that
4 work there. And maybe at the time I think it was
5 about a total of 1200. At that time.

6 Q. And you said there may have been about
7 200 black laborers. How would you get that number?

8 A. From the -- that could have been from
9 the ones maybe that I added up on my own from the
10 seniority list that I had that was my own.

11 Q. You did that back during '82-'84?

12 A. Yes. That was my own observation of
13 the seniority list.

14 Q. Did you know everybody?

15 A. I knew a majority of them.

16 Q. You knew 1200 --

17 A. Some of them I might have probably
18 been asked, do you know so and so or something like
19 that at the time, but a lot of them I knew.

20 Q. You knew 1200 laborers?

21 A. No. I'm talking about of the black.
22 That was my -- from the overtime, from the seniority
23 list, if you go down and, you know, see the names of
24 the people on there, maybe some that I picked out
25 that I knew. It may be somewhere around that figure.

1 Maybe then.

2 Q. There would have been plenty of names
3 that you didn't know at all.

4 A. Yeah, there were plenty.

5 Q. You didn't know if they were white or
6 black?

7 A. No.

8 Q. Then you say that I believe there may
9 be about 89 to 90 black laborers that -- at this time
10 I believe there may --

11 A. Skilled. Right.

12 Q. Where did you get that number from?

13 A. From when I worked down in the plant
14 before I went to the office I was a general laborer
15 so you worked three different shifts and you could --
16 you would see the people, you know, on the floor.

17 Q. So the 89 to 90 again is referring
18 back to that '82 to '84 time period?

19 A. Yes.

20 Q. And the next paragraph you talk about
21 your brother Allen Roberts. Near the end of that
22 paragraph you say, "I heard it was no more than five
23 blacks, if that many," who were hired last year.

24 A. During that time. Yes, but that was
25 hearsay.

1 Q. Okay.

2 A. That was only hearsay.

3 Q. Who did you hear that from?

4 A. From him.

5 Q. You also say that, "I've also heard
6 that this matter is going to arbitration either now
7 or in the near future."

8 A. Yes. At that time that's what he told
9 me.

10 Q. He told you he was bringing something
11 about this and --

12 A. Uh-huh. Or somebody was. I don't
13 know if it was him, but it was somebody at the time.

14 Q. Okay. Do you have a notebook?

15 A. No.

16 Q. Of anything that you kept.

17 A. As far as?

18 Q. Some kind of notebook that would have
19 kept notes or anything relevant to this case?

20 A. No. Maybe only thing maybe, you know,
21 letters from your lawyer or something like that where
22 you had to be, or if you were going to have a
23 meeting, or something like that, but other than that,
24 nothing.

25 Q. You've been shown what's been marked

1 as Ronald Sloan's Deposition Exhibit Number 7. Have
2 you ever seen this document before?

3 A. This is Sloan's name on it or mine?

4 MS. DONAHUE: It was just an exhibit
5 in his deposition.

6 THE WITNESS: Oh, okay.

7 MS. DONAHUE: But she's asking if
8 you've ever seen this, so look through it
9 and see if you've ever seen it.

10 THE WITNESS: Oh. Okay.

11 BY MS. PRYOR:

12 A. I don't remember ever seeing it. I
13 can't remember.

14 Q. Were you ever asked what documents you
15 might have that might be responsive or relevant to
16 the disputed facts in this case?

17 You're looking at page four?

18 A. Yes.

19 Q. Did you identify Donna Phillips and
20 Clyde Thomas?

21 A. Yeah. They were my bosses.

22 Q. They were your bosses. Okay. Why did
23 you identify them as people that would have
24 knowledge?

25 A. Because I worked directly for them and

1 as to my qualifications and my level of experience in
2 the office, in the office setting. And that's why I
3 put them there, because they would be honest if they
4 were ever asked, and they would do that for me.

5 Q. Why didn't you list someone from one
6 of the more recent employers like Burns Security
7 or --

8 A. I don't know. I guess at the time
9 they were -- they always keep in touch. We talk all
10 the time. I still talk with them today.

11 Q. Okay.

12 A. I'm very close to them.

13 Q. If you look at page 11.

14 A. Okay.

15 Q. Your name was there again. And it's
16 attachment B, which is previously on page two,
17 represented to be the copy of description of category
18 and location of all documents, data, compilations, et
19 cetera that are relevant to disputed facts. Under
20 your name it says Notebook. What is that?

21 A. Probably just the things that -- I
22 don't know what that is, to tell you the truth. The
23 only thing I can think of is it might be a copy of
24 all the things. I have all my -- a lot of, some of
25 the copies from where the lawyers sent you, you know,

1 information about what you need to know, or what
2 we're doing at the time. But that's basically it.
3 That's the only thing I can think of notebook means.
4 I don't have a written notebook of any kind.

5 MS. PRYOR: Whatever the notebook
6 refers to, we need a copy of.

7 MS. DONAHUE: Okay. If it's
8 privileged, we won't produce it.

9 MS. PRYOR: Well, if it's privileged,
10 it shouldn't have been identified as a
11 disclosure.

12 THE WITNESS: I don't even know how
13 that got in there.

14 MS. PRYOR: Then you need to amend.

15 THE WITNESS: Okay.

16 MS. PRYOR: Currently you're listing a
17 notebook. I just need to know what that
18 is. I don't care what it is. I just want
19 to know what it is.

20 THE WITNESS: All right.

21 BY MS. PRYOR:

22 Q. Are there any other witnesses or
23 individuals who have knowledge about the facts
24 underlying your claims?

25 A. You mean witnesses, you mean --

1 Q. Anyone who would support your claims
2 would be able to testify about either why you weren't
3 hired or your application process.

4 A. At AK?

5 Q. Yes.

6 A. No.

7 Q. Do you ever talk to any of the other
8 plaintiffs? I may have asked you that already. I'm
9 sorry. Did you?

10 A. I mean, we talk when we are in
11 meetings with the lawyers.

12 Q. Other than those meetings, do you ever
13 talk with the other plaintiffs?

14 A. No, because I don't get a chance to --
15 I don't see them.

16 Q. Do you know the other plaintiffs?

17 A. I know some of them, but not
18 personally.

19 Q. Did you know them before this lawsuit?

20 A. No, not personally, no. Maybe in
21 seeing them or something like that, but not by name,
22 really.

23 MS. PRYOR: You want a break?

24 MR. KAMMER: Yes.

25 MS. PRYOR: Okay.

1 (Recess taken: 2:45 PM - 2:55 PM.)

2 (Defendant's Exhibit 11
3 was marked for identi-
4 fication.)

5 BY MS. PRYOR:

6 Q. Ms. Bert, you've been handed what's
7 been marked as Exhibit 11. Have you ever seen
8 Exhibit 11 before?

9 A. Yes, I have.

10 Q. And is that your signature on the last
11 page?

12 A. Yes.

13 Q. Did you sign that on April 2nd?

14 A. Yes.

15 Q. Did you read through the answers --

16 A. Yes, I did.

17 Q. -- in here? And are they all true and
18 correct?

19 A. Yes, it is.

20 Q. And in response to question two about
21 all your employers, I think -- have we talked about
22 each of those?

23 A. Yes.

24 Q. Here you say that the reason you left
25 the laundry cleaning service was to perform home
care?

1 A. Yes.

2 Q. That was the home --

3 A. Well, I mean, I was doing them both,
4 you know. Really kind of doing them both, really.

5 Q. So you did not leave there to go to GE
6 as you earlier testified?

7 A. Leave where now?

8 Q. Stopped doing the laundry cleaning
9 service.

10 A. Yes. I left them all to go to GE.

11 Q. Here it says you stopped doing the
12 self-employed laundry cleaning service in January
13 2003.

14 A. Yeah, but I went to GE in July of
15 2005.

16 Q. Right. So you didn't stop doing that
17 two years before you went to GE, did you, in order to
18 go to GE?

19 MS. DONAHUE: Object to the form. I
20 think that mischaracterizes her testimony.

21 Q. Why did you leave the laundry cleaning
22 service?

23 MS. DONAHUE: Which one are you
24 referring to?

25 Q. Self-employed laundry cleaning

1 service.

2 A. Oh, I just -- I did them both for
3 quite sometime, but it wasn't, per se, you call
4 yourself leaving it. It was my own service. I
5 worked for them, but I did the home health care,
6 basically, for the few years, and then I did -- for
7 the laundry service, then I did the home health care
8 for a few years.

9 And then I did the same thing at
10 the -- then I went to the dry cleaners. And I didn't
11 do either one then. I just worked at the dry
12 cleaners. And then I left the dry cleaners and went
13 to GE.

14 Q. Did you leave Burns Security in
15 January 2001?

16 A. Yeah.

17 Q. Okay.

18 A. Yeah. I wasn't working there anymore.
19 And I wasn't hardly working there that much. Maybe
20 one or two days a week even before then. I didn't
21 keep a running record with them. I just would go
22 whenever I -- if they needed somebody, they'd call,
23 but I didn't have a running record with them.

24 Q. With Burns Security?

25 A. As far as like -- no. It wasn't

1 steady employment five days a week, 40 hours. It
2 wasn't like that with them.

3 Q. How often did you work for them?

4 A. Maybe for a few years. For a year or
5 so. It wasn't very long. And then when I did it
6 wasn't a thing where I worked every day. Maybe once
7 a month or maybe a couple days a month or something
8 like that. On the side, but that was it.

9 Q. Did you leave them in January 2001
10 because the company was bought out?

11 A. Yeah. They were bought out by
12 Pinkerton, I do believe, and they didn't hire me as
13 far as -- no.

14 Q. Okay. So on your employment
15 application, Exhibit Number 7, on the third page when
16 it asks about your most recent position.

17 A. Right.

18 Q. And you said Burns Security. And you
19 said period of employment from February 1999 to now.
20 That would have been incorrect in your subsequent
21 applications in May of 2001.

22 A. Right. Right. Because I didn't -- I
23 wasn't working there. I just put -- at the time when
24 I filled this out I wasn't working there, no.

25 Q. You didn't revise it the subsequent

1 times; you just copied the same application?

2 A. No.

3 Q. Okay.

4 A. I didn't even see that, probably. I
5 didn't fix it, no.

6 Q. Okay. And both the laundry cleaning
7 service, when you worked at that, did you do that
8 every week throughout that period?

9 A. Yeah. We did it every week.

10 Q. And the home aide thing, did you do
11 that every week during that period?

12 A. Yes.

13 Q. And the C and E Computers. It says
14 you worked there from April 2004 to January 2005.

15 A. Right.

16 Q. Was that different than the laundry
17 cleaning service?

18 A. Yes, because I was general manager of
19 the dry-cleaners.

20 Q. And you made \$250 a week for that?

21 A. Yes.

22 Q. It says here you were laid off.

23 A. Yeah. They were bought out by
24 somebody else. So I didn't -- they didn't take me
25 with them.

1 Q. Okay.

2 A. And I think they were -- I don't know
3 if they were going to make it something different
4 other than a dry cleaners. I wasn't sure what they
5 were going to do, but they didn't -- they didn't take
6 a lot of us with them.

7 Q. And you talk about July 2005 to, I
8 guess, current.

9 A. Yes.

10 Q. You're working at GE.

11 A. Yes.

12 Q. You're back in the shipping and
13 receiving department.

14 A. Uh-huh.

15 Q. And you're making \$583 a week.

16 A. Yes.

17 Q. And I guess with overtime you'd make a
18 little more than that?

19 A. Yes.

20 Q. And earlier you testified about a
21 conversation you had when you were sitting --

22 A. Oh.

23 Q. -- I think waiting to have a physical
24 with GE. Was that the first time you applied at GE
25 or the subsequent?

1 A. No. That was the second time.

2 Q. This in 2005.

3 A. Right.

4 Q. Okay. And do you have W-2s from all
5 these employers listed in response to interrogatory
6 two?

7 A. Yes. I think I -- yeah. I have them.

8 Q. You have those?

9 A. I don't have them with me, but --

10 MS. PRYOR: We need those produced as
11 well, please.

12 Q. And then in response to interrogatory
13 number three, which the answer ends up on page six,
14 interrogatory three asks you to identify all
15 employers with whom you applied for employment,
16 including the date you submitted written
17 applications. You list September 2001 - AK Steel and
18 May 6, 2002 - AK Steel. Why didn't you list the
19 other ones that you told me about?

20 A. I think it said --

21 Q. April 2002.

22 A. Because it said -- I don't remember.
23 I can't remember the question.

24 MS. DONAHUE: If I can just draw your
25 attention to page five.

1 A. It said 2001, so that's what I did. I
2 just started there. It said 2001, starting at 2001.

3 Q. Okay.

4 A. So that's how I answered it.

5 Q. Well, why didn't you include April of
6 2002 that you testified about today?

7 A. I don't know why I didn't. I guess
8 they just wanted to know the jobs that you applied
9 for. And I already had it down twice. I didn't know
10 if you needed that many or not. I didn't know if
11 that made a difference since it was already down
12 there twice. I didn't think I had to do it all for
13 all the times. Just from 2001. So I just put down
14 one in 2001 and one in 2002 and then whatever I did
15 after that.

16 Q. These other places that you applied
17 other than AK Steel, did you apply to any of those
18 more than once?

19 A. Yes, I did, the Middletown City School
20 District. They weren't really hiring. They gave you
21 an application. So I kept applying there just in
22 case when they started hiring I'd have one in there.
23 So I did that quite a few times. Miller Brewery. I
24 did that probably six or seven times, but they
25 weren't hiring.

1 Q. And do you have the dates of those
2 other times?

3 A. For Miller Brewery?

4 Q. For any of these other ones that you
5 said you applied for.

6 A. I don't have them, no, I don't
7 remember. I know I did, but I don't have copies of
8 them or anything like that.

9 Q. Why do you have for the May 2002
10 application to AK Steel, you've got May 6, 2002. Why
11 do you have that specific date?

12 A. Because that one there I found it
13 while I was looking through my papers and things. I
14 found that one. I found -- then, again, I don't know
15 if that was one that -- I filled out a couple of them
16 and I messed up on it, because I seen where I messed
17 it up, so I went and got another one. And that was
18 the date that was on the top of it so I figured that
19 was the same day of the one that I had put in because
20 I had messed it up. So I kept it and turned in the
21 corrected one.

22 Q. So you've got a copy of an application
23 at home from AK Steel dated May 6, 2002?

24 A. It was dated that but I messed it up
25 so I didn't turn it in.

1 Q. I thought you were copying them.

2 A. No. When I was writing on the front
3 part of it I messed the -- something I messed up on
4 the front of it because I didn't turn it in. I
5 spilled some ink on it. It was something that I
6 spilled on it. It was a big old spot on it about
7 that big (indicating) and I had to get another one,
8 but right in the corner it said May 6. So I know I
9 had to get another application. So I just took that
10 date off of that figuring that was the same one. I
11 had to have filled out another one.

12 Q. So you don't remember specifically
13 doing that; you're just assuming you would have done
14 that.

15 A. That's what I assume.

16 Q. When you -- you say you got another
17 one. Is that you got another one of your copies of
18 it?

19 A. No. I had to get another application
20 because I didn't have another one. So I just go
21 across the street. I just live across the street
22 from that place.

23 Q. I guess I'm confused again. Earlier I
24 thought you testified that you had a copy of the
25 application.

1 A. Yeah.

2 Q. And you'd just redate it and turn it
3 in, that copy that you had.

4 A. Right, but I spilled something on it
5 and it went all the way through.

6 Q. That was your only copy?

7 A. Right. At that time. So I had to go
8 get me another one.

9 Q. So in May -- assuming you did go back
10 and apply in May 2002.

11 A. Right.

12 Q. You would have actually gone and
13 gotten a new application then.

14 A. Right.

15 Q. And that would have been -- you would
16 have actually completed the whole application at that
17 time as opposed to previous times when you copied it?

18 A. It would have been just the next day
19 or so. It wouldn't have been any later than that.

20 Q. Previously it was my understanding
21 that when -- the four application times you applied
22 you had an application that you already completed,
23 you copied it, and you turned it in each of those
24 four times.

25 A. Right.

1 Q. Same document. Just made copies.

2 A. Yeah.

3 Q. In May of 2002 are you telling me on
4 that one you ruined the copy you had and you actually
5 got a new application and recompleted it, actually
6 filled it in?

7 A. That's just the front page. It was
8 just the front page. It wouldn't have been any of
9 the rest of it. I could have used the rest of it,
10 but I had gotten something on the front.

11 Q. And tell me what the front page is, if
12 you could show me.

13 A. Yeah. The front page is this
14 (indicating).

15 Q. Okay.

16 A. It's that.

17 Q. The page one of Exhibit 7?

18 A. Right. Right. Right. Right.

19 Q. So that part you say you messed up.

20 A. It was something on it in the corner
21 there and I spilled something on it so I just
22 probably had to get another copy. And that's all I
23 did. And I just took the date that was in the
24 corner, because I just redid it. Just put a
25 different date there.

1 Q. Do you --

2 A. Or the same date that I had on the one
3 that I had there.

4 Q. Okay. Did you get another, a blank
5 application from the career center, or did you get
6 another copy that you had and just redated it?

7 A. No. I had another copy that I had and
8 I just put that date right on that corner right
9 there. Just put the May 6th on there is all I did.

10 Q. You're telling me that you think you
11 got this still, this May 6 document?

12 A. Yeah.

13 Q. You think that you would have then
14 applied at that time --

15 A. Yes.

16 Q. -- with another document. The
17 document that you submitted to the career center, was
18 that a copy that you already had that you then fixed
19 the top part --

20 A. Yes.

21 Q. -- or was it you went over and got a
22 new application?

23 A. No. I fixed that. And so all I did
24 was just take that date and just put it right back
25 there. That's all I did. That's how I got the May

1 6. So that's what I had on there.

2 Q. So you do have a May 6 document at
3 home?

4 A. Yes.

5 MS. PRYOR: That has not been produced
6 to us.

7 MS. DONAHUE: Okay.

8 Q. Do you have any other applications at
9 home?

10 A. No. That's the only one.

11 Q. Do you have any other documents
12 relating to AK Steel at home?

13 A. No. Just that one.

14 Q. Okay. Has Allen Roberts ever talked
15 to you about issues he had at AK Steel?

16 MS. DONAHUE: Object to the form.

17 Asked and answered.

18 A. Like I said before, he doesn't talk to
19 us about that.

20 Q. Do you know about any of his
21 discipline?

22 MS. DONAHUE: Object to the form.

23 Asked and answered.

24 A. No. He doesn't talk to us about it.

25 Q. I may have already asked this and I

1 apologize, but did he ever tell you why he was
2 terminated?

3 MS. DONAHUE: Object to the form.

4 Asked and answered.

5 A. No. I don't know.

6 Q. Did he ever tell you anything that he
7 thought was discriminatory?

8 MS. DONAHUE: Object to the form.

9 Calls for a legal conclusion. Asked and
10 answered.

11 A. He will not talk to us. He told me
12 that. And I don't press it.

13 (Defendant's Exhibit 12
14 was marked for identi-
fication.)

15 Q. I'm going to hand you what's been
16 marked as Exhibit 12. Is Exhibit 12 copies of your
17 tax returns?

18 A. Uh-huh.

19 Q. And you said that you do have copies
20 of W-2s at home?

21 A. I don't have W-2s. I just have these.

22 Q. You don't have W-2s?

23 A. No.

24 Q. Where are your W-2s at?

25 A. I don't know where they are. I mean

1 it's -- I don't have W-2s. A lot of this --

2 Q. Do you have W-2s from last year?

3 A. But I got -- yeah. For GE I do, yes.

4 Q. Do you have W-2s from the year before?

5 A. 2005?

6 Q. Yes.

7 A. Yes. I should have for GE. Yes.

8 Q. I'd certainly like copies of whatever
9 W-2s you have.

10 A. For GE?

11 Q. For any employer.

12 A. I just copy the tax returns because
13 that's all I had, but I do have them for GE, W-2s for
14 them.

15 Q. Did you receive benefits at any of
16 your other jobs?

17 A. No, I did not. Just GE I did.

18 MS. PRYOR: I think that's all the
19 questions I have, subject to recall based
20 on whatever documents that haven't been
21 produced.

22 MS. DONAHUE: Okay. We just have a
23 couple of questions just to clear up
24 something on Exhibit 7.

25 REDIRECT EXAMINATION

1 BY MS. DONAHUE:

2 Q. And if you look at Exhibit 7 where
3 you -- I think the testimony is a little confusing.
4 I think we can easily clear it up so that we have a
5 clean record.

6 If you look on page three, the postal
7 service job, you say you were employed there from
8 February 1997 to February 1999?

9 A. Uh-huh.

10 Q. And then you left because your husband
11 was terminally ill?

12 A. Right. Right.

13 Q. Okay. What year do you think your
14 husband died?

15 A. It was nineteen-- it was August. I
16 know it was August of 1999.

17 Q. Okay.

18 A. I might have said it wrong, but
19 thinking I said '97, but he died in August of 1999.

20 Q. And when was your son born?

21 A. June 18th, 1993.

22 Q. Okay. So your son was six-years-old
23 when your husband died.

24 A. Yes.

25 Q. And your son is 13-years-old now.

1 A. Yeah.

2 MS. DONAHUE: Okay. I just thought
3 I'd clear that up. Okay. We have no other
4 questions.

5 MS. PRYOR: Great.

6 THE WITNESS: Thank you.

7 MS. PRYOR: Thank you. Sorry for the
8 long day.

9 THE WITNESS: Oh, that's all right.
10 That's all right.

11

12

Vivian D. Bert

13

14

- - -

15

(Deposition concluded at 3:15 PM.)

16

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- - -

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C E R T I F I C A T E

STATE OF OHIO :
SS:
COUNTY OF HAMILTON :

I, Tracy L. Allen, a duly qualified and commissioned notary public in and for the State of Ohio, do hereby certify that prior to the giving of her deposition, the within named Vivian D. Bert was by me first duly sworn to testify the truth; that the foregoing pages constitute a true and correct transcript of testimony given at said time and place by said deponent; that said deposition was taken by me in stenotypy and transcribed under my supervision; that I am neither a relative of nor attorney for any of the parties to this litigation, nor relative of nor employee of any of their counsel, and have no interest whatsoever in the result of this litigation. I further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28 (D).

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 7th day of May, 2007.

MY COMMISSION EXPIRES:
JULY 29, 2008.

TRACY L. ALLEN, RPR
NOTARY PUBLIC, STATE OF OHIO